

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAROLD S. VARNER,

Petitioner,

vs.

CASE NO. 08-11162
HON. LAWRENCE P. ZATKOFF

HUGH WOLFENBARGER,

Respondent.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, proceeding *pro se*, filed an application for a writ of habeas corpus (Docket #1). This matter is currently before the Court on Magistrate Judge Paul J. Komives' Report and Recommendation regarding the application for writ of habeas corpus (Docket #13). Magistrate Judge Komives recommends that Petitioner's application for the writ of habeas corpus be denied. Petitioner did not file any timely objections to the Report and Recommendation.

After a thorough review and consideration of the court file and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Accordingly, and for the reasons set forth above and in the Report and Recommendation, the Court hereby DENIES Petitioner's application for a writ of habeas corpus and DENIES Petitioner a certificate of appealability. Judgment shall be entered accordingly.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 8, 2010.

S/Marie E. Verlinde

Case Manager
(810) 984-3290